

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

March 18, 1998 LR 45

SPEAKER KRISTENSEN: Senator Chambers, are you the primary introducer of the amendment?

SENATOR CHAMBERS: Senator...yes. Well, Senator...Mr. Speaker, Senator Wickersham had to step out, but he and I arranged for me to present this because we worked on it together.

SPEAKER KRISTENSEN: You are recognized to open on the amendment.

SENATOR CHAMBERS: Thank you, and I would say that the wizard passed the wand off to the sorcerer. This is an amendment which will declare that if this should become a part of the constitution, LR 45CA that is, and should the Legislature, pursuant to the language in that proposition, provide for mergers, there should also be a provision to reverse the merger. So the language allowing the merger is not mandatory. It's permissive. The Legislature may provide for it. The Legislature's not compelled to provide for it. But if the Legislature chooses to provide for merger, then it is mandatory that the Legislature provide a means by which the merger can be reversed. That brings me to the language of this amendment. I'm going to read it, then explain it, and hope that I don't create confusion by the explanation, but I want the record to be clear because we're talking about amending the constitution. On page 5, line 1, after the underscored period this is what we would insert: "If the Legislature provides for the merger or consolidation of one or more municipalities with one or more counties, the Legislature shall provide for the reversal of the merger or consolidation. No such reversal shall occur without voter approval. The vote shall be tabulated in each municipality which is proposed to be created by the reversal separately from the areas outside the boundaries of the proposed municipalities. If the reversal is not approved by a majority of voters voting in the election in the area within the boundaries of any proposed municipality or the areas outside the proposed municipalities, the reversal shall be deemed rejected." Here is what that language means. The merger has taken place. Dissatisfaction may develop. A vote is then taken. The municipality which is to be created by reversing the merger may not have the same geographical boundaries that an original participant in the merger had, so there will be a declaration of